JUSTICE

OVERVIEW

MISSION

Our mission is to serve the residents of the NWT by:

- Working with community members so that communities are safe and secure;
- Ensuring that all residents have access to justice, including legal aid, the courts, alternatives to the courts and other justice-related services;
- Providing legal services to the Government of the Northwest Territories (GNWT) and its agencies;
- Protecting the rights and freedoms of individuals and groups; and
- Promoting respect for the law and the Constitution of Canada.

GOALS

1. Communities have increased capacity and a role in addressing justice issues.
2. Programs, safe and secure custody, and community supervision are in place to support the rehabilitation of offenders.
3. Communities are safer.
4. Victims of crime are supported and have meaningful roles in the justice system.
5. Families in conflict are supported.
6. All residents have access to justice.

PROPOSED BUDGET

Compensation & Benefits	$40,321,000
Grants & Contributions	$2,330,000
Other O&M	$47,918,000
Amortization	$2,224,000
Infrastructure Investment	$921,000

PROPOSED POSITIONS

Headquarters (HQ)	72 positions
Regional/Other Communities	341 positions

KEY ACTIVITIES

- *Services to Government*
- *Law Enforcement*
- *Legal Aid Services*
- *Court Services*
- *Community Justice and Corrections*
- *Services to the Public*

STRATEGIC ACTIONS

The Department will take the following actions in support of the government's strategic initiatives:

- *Increase Safety and Security (Building Our Future Initiative);*
- *Implement Phase II of the Framework for Action on Family Violence (Building Our Future Initiative);*
- *Continue to Develop Governance (Managing This Land Initiative); and*
- *Maximize Benefits from Resource Development (Maximizing Opportunities Initiative).*

EMERGING ISSUES

In 2007, the national crime rate reached its lowest point in 30 years. This reduction in crime was not reflected in the NWT. In 2007, the crime rate in the NWT rose by 6%. This was the highest rate in the NWT in over 30 years and the highest in the country.[1] This high crime rate can be at least partially attributed to our relatively young population, low education attainment, abuse of drugs and alcohol as well as the traumatic impacts of residential schools. All of these are factors that can contribute to high crime rates.

Community Policing Needs

During the next few years, there is expected to be continued pressure to expand police resources. Aside from community requests for increased police presence – particularly in the smallest communities without detachments – there is the growing need to respond to officer safety. In recent years, *Labour Code* decisions have increased minimum detachment staffing requirements from one to two officers. More recently, concerns about officer safety have led to the development of a national RCMP back-up policy that may require a minimum of three officers in each detachment.

The short-term plan is to provide officer back-up through standby pay and overtime. In the longer term, the Department will place additional officers in the eight communities with two-member detachments. These new policing positions will require significant investments for staff and infrastructure, and the new positions will be difficult to fill. RCMP "G" Division is currently struggling to fill existing positions. These resourcing pressures will make it more difficult to respond to requests for detachments in small communities.

Family Violence

Family violence continues to be an important issue in the NWT. According to research conducted by Statistics Canada, the risk factors associated with family violence include unemployment, social isolation, alcohol consumption and prevalence of common-law unions.[2] Many of these risk factors are present in NWT communities.

High rates of family violence continue to be reported. In 2007, the RCMP reported 424 reports of male spousal assaults in the NWT.[3] The Department of Health and Social Services received 125 referrals (affecting 156 children) to child protection authorities due to concerns of children being exposed to family violence.[4] High rates of family violence are also reflected in shelter use, which is approximately four times the national rate: in 2007, approximately 226 women and 183 children were admitted to family violence shelters.[5] These high rates of violence are also reflected in the number of applications for Emergency Protection Orders under the *Protection Against Family Violence Act*. Since the Act came into force in April 2005, approximately 300 Emergency Protection Orders have been granted.

During the 2009/12 planning period, the Department will continue to work with other GNWT departments, the RCMP and community agencies to improve existing responses, and to develop new approaches, including an abuser program for men.

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[1] *Crime Statistics in Canada*, 2007, Statistics Canada
[2] *Family Violence in Canada, A Statistical Profile*, Statistics Canada
[3] Police Reporting and Occurrence System (PROS): 2007 (RCMP)
[4] GNWT Department of Health and Social Services, 2007
[5] GNWT Department of Health and Social Services, 2007

Changes in Offender Profiles

The NWT is seeing a shift in its offender population. Between 1999 and 2006, the national violent-crime rate declined by 1%, however, violent crime in the NWT increased by 28%.[6] In 2006, our violent crime rate was about seven times the national average.[7] While this increase has not had a significant impact on sentenced admissions (which have actually gone down by about 20% between 2001/02 and 2005/06[8]), it changes the type of offenders within our correctional facilities. In 2005/06, 63% of all adult admissions to sentenced custody had been charged with crimes of violence.[9] This rose to 82% in 2007/08.[10]

This "hardening" of our offender population has implications for the programs, services and infrastructure requirements of the corrections system as well as other areas of the justice system, such as legal aid and the courts.

Changes in the offender population are also reflected in the number of accused people who are remanded to custody.[11] Over the last five fiscal years, there has been an increase in the number of adult male remand admissions. After remaining relatively constant at 225 to 255 admissions per year from 2003/04 to 2006/07, there was a significant increase to 303 adult male remand admissions in 2007/08.[12] This increase in the remand population creates challenges for correctional facilities: in addition to managing a higher number of daily admissions and discharges, staff must respond to the unique considerations of this volatile and challenging group. An increase in remand admissions also raises questions of programming for this group, because they are awaiting their trials – they have not received a sentence that might otherwise identify programming needs or considerations.

The introduction of the *Youth Criminal Justice Act* (YCJA) in 2003 has also had a fundamental impact on corrections and community justice in the NWT. Under this legislation, the NWT experienced a drop in the incarceration rate of 53% from 109.6/per 100,000 in 2002/03 (when the Act came into force) to 51.3/per 100,000 in 2005/06. The number of youth dealt with in the community through warnings or sanctions (diversions) also increased under this legislation: in 2006, 497 youth were charged and 1,376 youth were dealt with in the NWT through warnings or sanctions.[13] This focus on community sanctions partially explains a 121% increase in diversions from 2005 to 2006.[14] Finally, there has been an increase of 25% in the percentage of youth sentenced to custody for violent crimes since the YCJA has come into force.[15]

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[6] *Crime in Canada's North: A Relative Perspective*, NWT Bureau of Statistics October 2007
[7] Ibid
[8] Table 3, *Admissions to provincial and territorial custody, by province and territory*, 2001/2002 to 2005/2006, , Statistics Canada
[9] Table 9, *Adult admissions to provincial, territorial and federal sentenced custody by major offence, 2005/2006*, Adult Correctional Services in Canada 2005/2006, Statistics Canada
[10] Corrections Offender Management System (COMS), Department of Justice 2008
[11] "Remand" refers to the status of an individual who is awaiting trial in a correctional facility
[12] Corrections Offender Management System (COMS), Department of Justice 2008
[13] Table 2, *Youth Crime Rate, Canada, provinces and territories, 2006*, Youth Crime in Canada, Statistics Canada
[14] Information from Community Justice, Department of Justice, GNWT
[15] *Youth Custody and Community Services in Canada,2005/06*, Statistics Canada

FISCAL POSITION AND BUDGET

Departmental Summary

(thousands of dollars)

	Proposed Main Estimates 2009-2010	Main Estimates 2008-2009	Revised Estimates 2007-2008	Main Estimates 2007-2008
OPERATIONS EXPENSE				
Services to Government	8,833	8,660	9,085	8,840
Law Enforcement	31,822	29,444	27,794	27,094
Legal Aid Services	4,990	5,020	5,062	4,638
Court Services	10,528	10,003	10,666	8,689
Community Justice and Corrections	32,637	33,826	35,815	35,093
Services to the Public	3,983	3,920	4,106	4,087
TOTAL OPERATIONS EXPENSE	92,793	90,873	92,528	88,441
REVENUES	12,485	12,006	10,911	10,213

Operation Expense Summary

	Main Estimates 2008-09	Proposed Adjustments (thousands of dollars) Sunsets and Other Approved Adjustments	Reductions	Forced Growth	Strategic Initiatives	Internal Reallocation of Resources	Proposed Budget 2009-10
Services to Government							
Directorate	**1,362**						**1,362**
Finance	**2,755**						**2,755**
Legal Division	**2,319**	(280)	(15)		435		**2,459**
Legislative Drafting	**1,173**						**1,173**
Policy and Planning	**1,004**	(87)	(48)	60	108		**1,037**
Amortization	**47**						47
Total Services to Government	**8,660**	**(367)**	**(63)**	**60**	**543**	**0**	**8,833**
Law Enforcement							
Territorial Policing	**28,968**	**(31)**		**1,734**	**675**		**31,346**
First Nations Policing	**424**						**424**
Biology Casework	**52**						52
Total Law Enforcement	**29,444**	**(31)**	**0**	**1,734**	**675**	**0**	**31,822**
Legal Aid Services							
Legal Services Board	**2,401**		(30)				**2,371**
Court Workers	**917**						**917**
Legal Aid Staff Lawyers	**1,084**						**1,084**
Family Law Clinic	**476**						**476**
Amortization	**142**						142
Total Legal Aid Services	**5,020**	**0**	**(30)**	**0**	**0**	**0**	**4,990**
Court Services							
Court Services Administration	**314**						**314**
Court Library	**408**		**(190)**				**218**
Court Registries	**5,976**	**(46)**		**390**			**6,320**
Territorial Court	**1,970**			**371**			**2,341**
Justice of the Peace	**569**						**569**
Court Reporters	**541**						**541**
Amortization	**225**						**225**
Total Court Services	**10,003**	**(46)**	**(190)**	**761**	**0**	**0**	**10,528**

	(thousands of dollars)						
	Main Estimates 2008-09	Sunsets and Other Approved Adjustments	Reductions	Forced Growth	Strategic Initiatives	Internal Reallocation of Resources	Proposed Budget 2009-10
Community Justice and Corrections							
Corrections Administration	**1,868**	200					**2,068**
Community Corrections	**2,549**						**2,549**
Adult Facilities	**19,296**		(969)				**18,327**
Youth Facilities	**5,242**		(520)				**4,722**
Open Custody/Custodial Placements	**787**						**787**
Community Justice	**2,429**				100		**2,529**
Amortization	**1,655**						**1,655**
Total Activity	**33,826**	**200**	**(1,489)**	**0**	**100**	**0**	**32,637**
Services to the Public							
Public Trustee	**349**						**349**
Coroner's Program	**582**						**582**
Rental Office	**218**						**218**
Legal Registries	**1,807**		(62)				**1,745**
Maintenance Enforcement	**586**						**586**
Protection Against Family Violence	**223**				125		**348**
Amortization	**155**						**155**
Total Activity	**3,920**	**0**	**(62)**	**0**	**125**	**0**	**3,983**
TOTAL DEPARTMENT	**90,873**	**(244)**	**(1,834)**	**2,555**	**1,443**	**0**	**92,793**

Revenue Summary

(thousands of dollars)

	Proposed Main Estimates 2009-2010	Main Estimates 2008-2009	Revised Estimates 2007-2008	Main Estimates 2007-2008
Transfer Payments - Cost Shared				
Access to Justice	1,972	1,972	1,972	1,569
Youth Justice Services	3,059	3,059	3,059	3,059
Intensive Rehabilitative Custody	200	0	150	0
Exchange of Services	2,686	2,686	1,289	1,289
Community Parole	25	25	25	25
Aboriginal Justice Strategy	0	0	145	0
Young Offenders Special Allowances	25	25	25	25
	7,967	7,767	6,665	5,967
General Revenues				
Public Trustee Fees	87	87	87	87
Court Fees	160	160	160	160
Land Titles and Legal Registries Fees	3,780	3,531	3,531	3,531
Court Fines	372	372	372	372
Interest	4	4	4	4
	4,403	4,154	4,154	4,154
Other Recoveries				
Legal Aid Repayments	40	29	29	29
Air Charter Recoveries	55	45	45	45
Sale of Publications	14	7	14	14
Inmate Recoveries	6	4	4	4
	115	85	92	92
TOTAL REVENUES	**12,485**	**12,006**	**10,911**	**10,213**

SERVICES TO GOVERNMENT

Description

"Services to Government" includes the corporate management activities of the Directorate, Policy and Planning, and Finance. It also includes services provided to other GNWT departments, boards and agencies. Legal Division provides advice and representation to all GNWT departments and specified public agencies. Lawyers conduct litigation, provide legal opinions, and advise on a wide range of matters. One position is dedicated to prosecution of Territorial offences. GNWT bills and regulations are prepared by or under the direction of legislative drafters in Legislation Division, and legal translators prepare French versions of these documents. The Department is also responsible for providing advice and information on the *Access to Information and Protection of Privacy Act.*

Major Program and Service Initiatives 2009/10

Establishment of a Public Law Office
During 2009/10, the Department will continue to develop the Public Law Unit. In addition to responsibility for prosecution of territorial offences, this office will also be responsible for proceedings under the *Maintenance Orders Enforcement Act*, the *Liquor Act* and the *Inter-jurisdictional Support Orders Act.*

Improvements to Access to Information and Protection of Privacy Functions
The Department will continue to provide supports to GNWT public bodies through advice and expertise (as required), ongoing committee work focusing on best practices in policy and administrative procedures, and training for access/privacy coordinators. An annual activity report on the administration of the *Access to Information and Protection of Privacy Act* will be prepared, and will include statistical information on formal access to information requests received by public bodies. The Department will also research new access/privacy tools, including privacy impact assessment templates, privacy breach notification protocols, and a privacy audit guideline. Justice will receive funding in 2009/10 for an additional half-time position for a two-year period in order to respond to the increased volume of requests for personal information in relation to residential schools.

Budget Changes

Legal Division
2008/09 was the second year of reductions in the Aboriginal Law Bursary Program ($15,000 each year). The funding for two legal counsel positions to support self-government discussions sunsets in 2008/09 ($280,000) and will be re-established in 2009/10 ($274,000). The funding for legal counsel to assist with devolution discussions was also established in 2009/10 ($161,000). Legal counsel for self-government and devolution work was established under the Strategic Initiative *Managing this Land.*

Policy and Planning
A records technician position was eliminated in 2008/09 (reduction in 09/10 $48,000). A half-time access-to-information position will be created in 2009/10 to address increases in information requests under the *Access to Information and Protection of Privacy Act.* The Mackenzie Gas Pipeline Coordinator position sunsets in 2008/09 and will be re-established in 2009/10 ($108,000) under the Strategic Initiative *Maximizing Opportunities.*

Four Year Business Plan Update

Results to Date

Establishment of a Public Law Office
On September 29, 2008, the Department of Justice for the NWT assumed responsibility for prosecuting offences under Territorial legislation. A prosecutor was hired by Legal Division to assume prosecution duties in January of 2008 and spent approximately nine months seconded to the Public Prosecution Service of Canada for training and development. A Memorandum of Agreement is being negotiated with the Public Prosecutions Service of Canada for the prosecution of some territorial offences, specifically where an accused is charged with both territorial and federal offences. In this way, both governments can realize efficiencies.

Improvements to Access to Information and Protection of Privacy Functions
ATIPP regulations are being updated in relation to public bodies subject to the Act. The Department is also reviewing ATIPP policy documents and administrative tools that support access/privacy functions carried out by GNWT public bodies. A committee will be set up to enhance information exchange and peer support for access/privacy coordinators. Justice will also be researching ATIPP training options to ensure GNWT public bodies have the capacity to fulfill their responsibilities under ATIPP legislation.

KEY ACTIVITY 1: LAW ENFORCEMENT

Description

Policing services are contracted to the RCMP through an agreement between the GNWT and the Government of Canada. There are also cost-sharing programs with the Government of Canada with respect to First Nations policing in support of aboriginal participation in policing. An agreement exists with Public Safety Canada to cost-share DNA testing and analysis.

Major Program and Service Initiatives 2009/10

Enhancements to Community Policing
Community policing is a strategic priority of the GNWT. Major initiatives are identified in the Strategic Initiatives section, and include working with the RCMP to implement the RCMP back-up policy and explore options for improving policing services. These options include creating additional detachments, increasing relief unit capacity, increasing the number and length of patrols to the communities, or augmenting the existing enforcement personnel with RCMP special constables.

The Department is planning the following activities in 2009/10:
Communities Without Detachments – Work will continue to open detachments in Gamèti and Wrigley. The Department will continue to work with the RCMP to increase the number of officers available to provide appropriate back-up to existing police, and to increase patrols to communities without resident RCMP.

Decrease Impact of Illegal Drugs – The RCMP will continue to work with communities on crime-prevention efforts to target the movement of illegal drugs across the NWT/Alberta border. Work will proceed to establish a drug interception team in the South Slave – Strategic Initiative.

Strengthen Relationship - Work with the RCMP and community justice partners to develop a community justice orientation package for RCMP members;

Victims of Crime – Work with the RCMP and victim services agencies to improve support for victims by providing RCMP with referral data, reviewing the NWT victim services referral protocol and consulting/considering a model of victim services delivery that operates out of the detachment;

Family Violence – Review transcripts of applications for Emergency Protection Orders under the *Protection Against Family Violence Act* to identify training and operational improvements as they relate to RCMP roles and responsibilities;

First Nations Policing Policy – Continue discussions with the federal government on the implementation of the First Nations Policing Policy and the implementation of the first tripartite agreement in the NWT. This could result in two additional RCMP positions being funded through the FNPP at a cost-sharing arrangement of 48% NWT to 52% federal government. Our regular arrangement requires the NWT to provide 70% of the funding for the RCMP. The two officers will serve as cultural liaisons and provide enhancements to policing in the north, specifically related to community based policing; and

Complaints Against the RCMP – Continue work locally and nationally to improve responses to complaints about policing services provided by the RCMP.

Territorial Police Services Agreement
The Department will continue to participate on the federal/provincial/territorial contract advisory committee to develop a new contact with the RCMP starting in 2012. In 2009/10, the work will focus on research and information gathering.

DNA Analysis Agreement
The Department will continue to work with federal/provincial/territorial jurisdictions to develop a new governance and service model for DNA analysis services, which support police work on criminal investigations.

Budget Changes

One-time funding is sun-setting in 2008/09 for the position of the NWT National Sex Offender Registry Coordinator and the establishment of the Sachs Harbour RCMP detachment ($31,000). Increases will be made to the 2009/10 budget to address forced growth for RCMP salaries and pension ($841,000), additional public service positions at the RCMP ($512,000), and additional operations/communications positions at the RCMP ($381,000). 2009/10 investments in the areas of the South Slave Interception Team (70% salaries at $200,000) and policing in smaller communities ($475,000) in support of the strategic initiative *Building Our Future*.

Four Year Business Plan Update

Results to Date
Enhancements to Community Policing
Communities without Detachments – In 2008, the Sachs Harbour detachment was re-opened, and work started on detachments in Gamèti and Wrigley. The Department also worked with the RCMP to increase the number of officers available to provide appropriate back-up to existing police, and to increase patrols to communities without resident RCMP.

Decrease Impact of Illegal Drugs – The RCMP have been working with communities on crime-prevention efforts to target the movement of illegal drugs across the NWT/Alberta border.

Strengthen Relationships – In 2008/09 the Department of Justice hosted community-based meetings to build relationships with communities and the RCMP. These meetings help communities develop plans and priorities for policing in their community. The Department is also working with the RCMP on a cultural awareness program for police, starting with a pilot project in the Beaufort Delta involving the Inuvialuit.

Victims of Crime – The Department has signed the Victim Services Protocol with the RCMP and the Crown's office. This protocol sets out how the GNWT, RCMP and Crown work together to provide effective services to victims.

Family Violence – Over the last year, Justice has been working with the RCMP to provide annual family violence training to RCMP members. The Department has also supported the development of a protocol on family violence between the RCMP and frontline service providers, including non-government organizations, in Yellowknife. This protocol is intended to improve the community's response to family violence. This protocol can serve as a template for other communities to develop an integrated response to family violence.

First Nations Policing Policy – At the federal/provincial/territorial Ministers of Justice meeting in September 2008, the NWT Justice Minister, together with the Nunavut and Yukon Ministers, pressed the federal government to expand the First Nations Policing Policy to the north. There was recognition from other jurisdictions and the federal government about the specific policing challenges that exist in the north. The federal government has agreed that the program can be implemented in the north but there is a need to identify resources to do this. In anticipation of funding, the Department has begun the planning for two new positions that will serve as cultural liaisons and focus on enhancements to community-based policing in the north.

Complaints Against the RCMP – The NWT is participating with other provinces and territories on a review of the 49 recommendations arising from the *Task Force on Governance and Cultural Change in the RCMP Report: Rebuilding the Trust* (also known as the Brown Task Force Report). The Department and the RCMP "G" Division have also been working together on a process for addressing complaints at the community level. This process will encourage residents and police to work together.

Territorial Police Services Agreement
This 20-year, comprehensive agreement expires in 2012. The Department has been participating in the contract renewal process with contracting partners across Canada, as well as the federal Department of Public Safety and the RCMP. In the spring of 2008, the NWT hosted a meeting in Yellowknife to discuss contract renewal. Provinces and territories have agreed to negotiate as a block with the federal government, and are looking for more accountability and responsiveness from the RCMP in providing police services. Provinces and territories have developed a work plan to guide the contract renewal process.

DNA Analysis Agreement
The Department, along with other provinces and territories, began work in 2008 on the development of a new model for DNA analysis service delivery and cost-sharing. DNA analysis services are provided by designated RCMP forensic laboratories.

Measures Reporting

Number of days officers were on regular patrol in communities without detachments
In 2007/08, RCMP officers were on patrol in the 10 communities without detachments a total of 1,387 days. Halfway through 2008/09, the number of patrols is slightly higher than last year. This demonstrates a consistency in the RCMP's efforts to visit these communities.

In addition to community patrol work, officers also initiate or participate in a variety of community-based activities such as school visits, education sessions, community feasts, leadership meetings, and provide orientation for new members. These activities support community policing by increasing the visibility and involvement of officers at community events.

RCMP referrals to victim services
The number of referrals from the RCMP to Victim Services has increased from 121 in 2003/04 to 275 in 2007/08 representing an increase of over 100%. The RCMP play an important role in connecting victims of crime with victim service workers. The number of referrals from the RCMP is expected to increase further with the new Victims Services Protocol.

Percentage of spousal violence cases where charges are laid.
In 2006, 61% of spousal violence cases reported by police were dealt with by a charge. In the Yukon and Nunavut 87% of cases were dealt with by charge[16].

As there is no specific offence of "spousal violence", Statistics Canada relies on reports from police on offences that are related to spousal violence, such as common assault, assault with a weapon, sexual assault, and stalking. On these cases, police report the sex of the offender, the sex of the victim and the relationship between the victim and the offender. Those cases where the victim and offender are reported to be spouses would be included in the total count of "spousal violence cases".

[16] *Family Violence in Canada: A Statistical Profile*. 2006, Statistics Canada

KEY ACTIVITY 2: LEGAL AID SERVICES

Description

The Legal Services Board is established under the *Legal Services Act*, and is responsible for ensuring that all eligible persons in the NWT receive legal aid. The Board provides legal services for most criminal and family law matters, and some civil cases. It determines eligibility for legal aid in accordance with the parameters established by the *Legal Services Act* and Regulations. The Board is also responsible for the court worker program and public legal education.

Major Program and Service Initiatives 2009/10

Legal Aid
Justice is working with the Legal Services Board to modernize and improve the cost-effectiveness of the legal aid program. It is expected that this will require changes to the *Legal Services Act* and regulations, and to the structure of the Board to focus its mandate and increase its effectiveness.

Courtworkers
In 2009/10, research will be conducted to determine the feasibility of extending courtworker support to civil and family court matters.

Public Legal Information and Education
Work will continue on developing and producing brochures and booklets about common family law issues. A series of four booklets to assist self-represented litigants will also be developed.

Budget Changes

Restructuring of the Legal Services Board will result in a reduction in 2009/10 ($30,000).

Four Year Business Plan Update

Results to Date

Legal Aid
The Department and Legal Services Board are researching possible changes to the legislation to modernize and improve the cost-effectiveness of the legal aid program.

Courtworkers
The Department has begun research into the feasibility of extending the support provided by courtworkers beyond criminal law to civil and family court matters. This research is focused on making the most effective use of the courtworker positions.

Public Legal Information and Education
The *Family Law Guide* was distributed to front-line workers and community contacts along with brochures on *Custody and Access* and *Separation and Divorce*.

Measures Reporting

Number of applications for criminal and civil legal aid

Residents of the NWT have access to legal aid for criminal and civil matters. Courtworkers provide assistance on the applications. In 2006/07, courtworkers assisted in a total of 1,455 applications for legal aid. Of these applications, 1,364 (or 94%) were approved; 959 were for criminal matters and 405 for family and civil matters. This represents a 5% increase in applications and a 20% increase in approved applications over the previous year.

These statistics do not include criminal matters where an application for legal aid is not required. Under the presumed-eligibility policy, accused persons are provided with certain legal services (including the conduct of a sentencing hearing) without having to make an application for legal aid. Applications for legal aid are made in the criminal context when a matter is proceeding to trial or there is some other complexity associated with the matter. In 2006/07, lawyers provided 3,554 services to clients under the presumed-eligibility policy. This is only a 3% increase over the previous year, but it represents a 33% increase from 2004/05.[17]

Backlog of Family Law Legal Aid Cases

Clients are assigned legal aid lawyers on a priority basis. As of September 2, 2008, there were 84 clients waiting to be assigned lawyers. Clients are waiting eight months to be assigned counsel. Matters involving child protection or matters with pending court dates are not subject to the waiting period[18].

[17] *Legal Aid 2006-2007, 2005/2006 and 2004/2005*, Statistics Canada.

[18] Information from Legal Services.

KEY ACTIVITY 3: COURT SERVICES

Description

Four levels of court – Justices of the Peace, Territorial, Supreme and Appeal – collectively represent the judicial branch of government. The courts are independent of the executive (GNWT public bodies) and legislative (Legislative Assembly) branches of government.

The Court Services Division is responsible for providing administrative support to the courts. These support services ensure courts are accessible and impartial while providing services to all citizens in a timely manner.

Major Program and Service Initiatives 2009/10

Access to Justice
The Courts website will include forms most frequently used by the public. These forms will be in English and French, and will be reviewed to ensure that information is clear and in plain language. Justice will begin research on the potential for electronic filing.

Fine Collection
During 2009/10, Justice will research options for improved methods of collecting court ordered fines, including whether legislative amendments are necessary.

Library
The re-organization of the court library will be completed and the majority of services will be available online with improved navigation for clients. Some portions of the permanent collection will remain in the library.

Territorial Court
A fourth judge is being appointed to the Territorial Court. This will ensure cases are addressed and resolved in a timely manner.

Court Models and Alternative Dispute Resolution
The Department will research models for more efficient court structures and alternative dispute resolution (e.g., conciliation, arbitration, mandatory mediation).

Budget Changes

The library budget will be reduced in 2009/10 ($190,000) as a result of operational efficiencies. In 2009/10, funds for the additional Territorial Court Judge (equipment/furniture; $20,000) and the Mental Disorder Review Board ($26,000) will sunset. In 2009/10, eight court officer and sheriff positions ($742,000) will be added to address forced growth in court activities. (This was part of 2008/09 budget review in which 10 positions were deleted and 8 positions were subsequently returned to the budget during the supplementary appropriation process.) An increase in judges salary for 2009/10 ($19,000) resulted from the mandatory implementation of recommendations from the 2008 Judicial Remuneration Commission.

Four Year Business Plan Update

Results to Date

Access to Justice

Commonly used forms have been reviewed and will be posted on the Department's public website once they have been finalized. Information packages for self-reported litigants are being developed.

Fine Collection

Justice has instituted a new process to improve fine collection. People who have unpaid fines receive a summons to return to court.

Library

During the last year, the library's permanent collection was reduced as many of these resources are now available online. The size of the library space was also reduced to provide room for the construction of additional court space.

Territorial Court

The process to appoint a fourth Territorial Court judge is underway. It is expected that this process will be completed in 2008/09. A fourth judge will help to deal with the rising workload of the courts and ensure that matters continue to be dealt with in a timely manner.

Court Models and Alternative Dispute Resolution

Justice has started examining models for more efficient court structures and services.

Measures Reporting

Court processing time

A basic principle of the Canadian criminal justice system is that an accused person has the right to be heard in a timely manner. Preparations for each case start in the court registry with the scheduling of the first court appearance, and involve the continued coordination of judicial resources throughout the criminal court process. There are a variety of factors, many of which are not under the direct control of the courts, which affect both case management and processing.

Overall, in Canada, the average elapsed time from first to last court appearance was 237 days in 2006/2007. In that year criminal cases in NWT courts were processed in an average of 67 days. Next to PEI, the NWT has the shortest average processing time for adult criminal court matters. Although one of the shortest in Canada this is an increase from 2005/06 when the average processing time for the NWT was 53 days. [19]

The NWT is striving to maintain a short processing time in the face of an increasing crime rate and an increasing number of matters heard by the Territorial Court. According to statistics from the NWT courts, during 2003 to 2006, the number of matters heard in Territorial Court increased by 30.5%.

[19] *Adult Criminal Court Statistics, 2006/06 and 2006/07*, Statistics Canada.

Number of sitting days by court and community

NWT courts travel to communities to hear a variety of matters. According to court statistics, the Territorial Court spends about 55% of its sitting days in communities outside Yellowknife. Between the years 2002 and 2007, the number of scheduled sitting days for all communities increased by about 20%.

The Supreme Court has also seen an increase in sitting days. Between 2002 and 2007, there was an increase in sitting days overall of about 25% and in communities outside Yellowknife there was an increase in sittings of about 139%.[20] The addition of a new Supreme Court judge in 2008 (by the federal government) and a Territorial Court judge in 2009 (by the territorial government) will help to address the extra workload and ensure that our court-processing times are maintained.

[20] Provided by Court Services, Department of Justice, GNWT *2008*.

KEY ACTIVITY 4: COMMUNITY JUSTICE & CORRECTIONS

Description

The Corrections Division provides safe custody and detention for adult and youth offenders through the administration of facilities. The Division also delivers culturally relevant programs to support offender rehabilitation, community supervision (parole and probation), and custodial placement programs (wilderness camps).

The Community Justice Division provides support to communities to develop and implement sustainable local justice programming in the areas of restorative justice, victim services, community policing and crime prevention.

Major Program and Service Initiatives 2009/10

Corrections

The Department of justice will carry out the following activities in 2009/10:

Program Review – The Department will begin to implement recommendations from the program review. This will include implementation of recommendations from the targeted review of programs and facilities for female offenders.

Staffing and Facility Use – During 2009/10, Justice expects to conclude research (including justification) of required resources for the delivery of corrections services. This includes an assessment of the number and type of positions in all areas (including program, management and administrative) and the resources for program delivery. In 2009/10, Justice will implement recommendations from the review of facilities for female offenders.

Case Management – The Department will develop protocols and processes for consultation between community and institutional corrections case managers to ensure a continuum of care between community and correctional facilities. Justice will also work with Health and Social Services Authorities and other GNWT agencies to develop ways of expanding the continuum of care for offenders moving in and out of the justice system and to and from communities.

Victim Notification Program – The Department plans to implement a victim notification program by the end of 2009/10. Public information will be prepared and provided as part of the implementation of this new program.

Community Justice

Justice will work to extend community justice activities to all communities in the NWT, and carry out the following initiatives.

- Support for Communities – The Department plans to revise the Community Justice orientation and a training manual, and provide information and training with these new resources. The Department will also work with federal partners to develop and provide community-based training to enhance local approaches to justice issues.
- Services to Victims of Crime – The Department will update the victim services orientation and training manual, and host a national victims-of-crime conference. With additional resources from the federal government, the Department expanded victim services from seven to 11 communities. This federal funding will be in place until at least 2011.

- Research on Fetal Alcohol Spectrum Disorder (FASD) – In 2009/10, the Department plans to submit a proposal to the National Crime Prevention Centre to extend the project for an additional five years beginning in 2011/12. The Department is also developing training materials on FASD for community-based agencies; these materials will include a video.

Budget Changes

Corrections
The Department received additional funding under the Intensive Rehabilitative Custody and Supervision Agreement with the federal government ($200,000). Reductions in 2009/10 include operational efficiencies at the North Slave Correctional Centre ($344,000) and South Mackenzie Correctional Centres ($154,000), as well as further reductions that started in 2008/09, including:

- Administrative efficiencies at the North Slave Correctional Centre and North Slave Young Offender Facility ($68,000);
- Consolidation of management at the Fort Smith correctional facilities ($200,000);
- Elimination of a maintenance coordinator position at South Mackenzie Correctional Centre ($68,000);
- Reduction of case manager positions at the North Slave Correctional Centre ($135,000); and
- An amended staffing model at the Arctic Tern Young Offender Facility ($520,000).

Community Justice
A new awareness campaign and role model program will be developed to address the issue of alcohol- and drug-related crime ($100,000) under the strategic initiative *Building our Future*.

Four Year Business Plan Update

Results to Date
Corrections
Program Review – A review of corrections facility programs was completed in the summer of 2008. This review included the completion of an inventory of all programs and 18 recommendations to ensure that appropriate programming is delivered to offenders. The Department is now reviewing female offender programs and facilities.

Staffing and Facility Use – Statistical information has been identified and is being collected as the first step in determining what adjustments should be made to the current model for staffing, facility use and resource investment.

Case Management Approach – The Department has begun work with the Yellowknife Health and Social Services Authority and GNWT departments of Health and Social Services, Municipal and Community Affairs, and Education, Culture and Employment to improve case management approaches and provide access to health/social services for offenders in facilities or on probation or parole.

Victim Notification Program – Program development and planning for implementation in 2009/10 has begun.

Community Justice

Support for Communities – The Department is working to extend community justice activities to all communities in the NWT as well as helping communities with work plans, orientation and program training. The Department works with community justice committees to increase the role of victims at community justice hearings. Policy guidelines are being developed to help groups that are involved with community sentence orders and the fine options programs.

Services to Victims of Crime – In 2008/09, the RCMP, the Department and communities finalized a referral protocol for victims. The Department is completing a feasibility study on establishing a fund to allow victims of crime to travel to provide their Victim Impact Statements to the court. The Department is also exploring a victim's emergency fund that would cover expenses incurred by the victim as a result of a serious crime.

Research on Fetal Alcohol Spectrum Disorder (FASD) – The Department has been conducting research into FASD. The Department has also developed presentations and training on FASD awareness for various audiences, including schools, lawyers, RCMP, and community groups. The Department has made presentations using these materials at major conferences in Ontario, Yukon and Alberta to provide information on research and program delivery.

Measures Reporting

Corrections

According to Statistics Canada, in 2005/06 there were 451 admissions to custody in the NWT, and 245 people admitted to remand.[21] Based on the most serious offence, 63% of admissions to custody were for crimes of violence. Federally, 50% of admissions are for crimes of violence. Also in 2005/06, the median sentence length for sentenced offenders was 181 days. The next highest median sentence length was in Saskatchewan at 92 days (Nunavut was not included and the Yukon was 42 days).

Sentence length and severity has implications for the safe and secure custody of offenders in the NWT, it also has implications for effective programming. The following two measures are indicators of the success of the corrections service to adequately assess risk prior to granting temporary release, and to provide secure custody of offenders. The third measure deals with successful offender participation in programs. Successful participation by offenders relies on an effective assessment of offender needs, development of evidence-based programs to meet those needs and effective delivery of programs by staff.

Percentage of offenders with temporary releases revoked

A fundamental principle guiding the corrections service is that the management of offenders should be carried out in the least restrictive manner possible, given the risks presented by each offender and the protection of the public, staff and offenders[22]. A temporary release is granted to sentenced offenders whose risk is assessed as appropriate to attend programming to address his or her needs. "Needs" in this case means the behaviour of offenders that have been proven to lead to reoffending (also referred to as "criminogenic needs"). The granting of temporary releases for inmates to attend drug and alcohol treatment or wilderness camps is encouraged as it is preferable to more restrictive incarceration in a correctional facility.

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[21] *Adult Correctional Services in Canada 2005/2006*, Statistics Canada

[22] This principle is included in the federal *Corrections and Conditional Release Act* – section 4. principles that guide the service, subsection d. *"that the Service use the least restrictive measures consistent with the protection of the public, staff members and offenders."*

In 2007/08, 609 permits were issued for temporary releases involving 225 inmates. Ninety-eight percent (98%) of these temporary releases were successfully completed. Over the last four years there has been a marked decrease (54%) in the number of permits issued for temporary release, and an increase in the success rate of those offenders on temporary release, from 88% to 98%. The decrease in the number of permits can be attributed to the overall decline in the number of offenders sentenced to custody, and the "hardening" of that population: these factors have lead to fewer offenders who are considered appropriate for temporary release. The increasing success rate is thought to be due to improved risk assessment resulting in better decisions regarding the use of temporary release.

Number of escapes or offenders unlawfully at large

In 2007/08, a total of 18 offenders were unlawfully at large: of this number, 13 (72%) were offenders serving their sentence intermittently (i.e., weekends) who failed to report on schedule. The other 28% were offenders in the community who walked away from programs or other activities. In the last four years the number of offenders unlawfully at large has varied from 15 to a high of 19, in all cases no offenders escaped custody from a correctional facility.

Percentage of offenders sentenced to custody that successfully completed programs

The Department has completed a review of facility-based programs and is in the process of implementing the recommendations from that review including the development of evidence-based programs that are targeted to meet the criminogenic needs of the changing offender population. In 2009/10 the Department expects to start collecting information on the Corrections Offender Management System that will allow reporting in 2010/11 on offender participation and success in programs.

Community Justice

Percentage of communities active in community justice activities

In 2007/08, 31 communities (94%) were involved in 1,581 community justice activities involving 15,665 people. Funding of up to $20,000 was provided to each of these communities to hire a justice coordinator. In 2006/2007 there were 30 communities involved in about 1,292 activities. There has been an overall increase in participation in the last four years of about 210%. This demonstrates the high level of interest and commitment to community justice and crime prevention activities seen in NWT communities. Consistent training is required on an ongoing basis to support communities to maintain the level of programming each community requires. This will be a challenge for the Department in 2008/09 due to a decrease in financial and human resources.

Number of diversions

The diversion program continues to be an important program for many community justice committees. In 2007/08, there were a total of 135 diversions. The number of diversions has been fairly consistent for a number of years. This indicates continued support for extrajudicial measures consistent with the federal *Youth Criminal Justice Act*. Community justice committees are finding innovative solutions to address justice issues at the local level in a manner that meets their needs.

Number of victims of crime that access services

Over the past several years, there has been an increase in victim services and a corresponding increase in the number of victims of crime served. Currently the are community-based victim services in 11 communities: Inuvik, Aklavik, Paulatuk, Fort Good Hope, Yellowknife, Behchokö, Gamèti, Whatì, Hay River, Fort Smith, and Fort Simpson. They provide victims of crime and tragedy with information, assistance, support and referrals. In 2007/08 1,845 victims received services. This compares to 1,577 clients in 2006/07 when there were six communities with victim services.

KEY ACTIVITY 5: SERVICES TO THE PUBLIC

Description

"Services to the Public" includes a number of programs and services that are accessible to all residents. This includes services available from the following territorial offices:

- Public Trustee Office;
- Coroner's Office;
- Rental Office;
- Legal Registries (Land Titles, Corporation and Society registration, Personal Property registration, Regulation in Securities trading);
- Maintenance Enforcement Office; and
- *Protection Against Family Violence Act* administration.

Major Program and Service Initiatives 2009/10

Legislation
In 2009/10, amendments to the *Maintenance Orders Enforcement Act* and the *Residential Tenancies Act* will come into force. This will require the development and delivery of public education and information on these amendments. The Department plans to continue to examine the viability of legislation in support of safer communities.

Protection Against Family Violence
The Department will develop a work plan for a comprehensive evaluation of the *Protection Against Family Violence Act*. The evaluation will address the first five years of the Act's implementation.

Legal Registries
Justice will develop a system to conduct and pay for corporate registry searches via the internet directly from clients home or business. Legal Registries will replace the current manual title search indices in Land Titles with an electronic database.

Registration rules will be adopted by all provinces and territories (including the NWT) that establish uniform qualifications, reporting requirements and standards of conduct for securities dealers and advisors. Through this new registration system (called a passport system), dealers and advisors will be able to register in more than one province or territory. The Department is working with all other provinces and territories to complete the rules and establish new processes to implement them.

Budget Changes

The budget will be reduced to reflect the elimination of one clerical position in Legal Registries ($62,000). Additional funds in 2009/10 will be used to create an abuser program for men to address behaviour related to family violence ($125,000) under the strategic initiative *Building Our Future*.

Four Year Business Plan Update

Results to Date

Legislation
In the spring of 2008, bills amending the *Maintenance Orders Enforcement Act* and the *Residential Tenancies Act* received assent. During 2008/09, the Department will prepare to bring the legislative amendments into force. This will include the drafting of forms and regulations, and the preparation of public information and a communications strategy.

The Department is also proposing to introduce legislation that will provide for professional corporations. If the legislation receives assent, implementation planning will begin late in 2008/09. Implementation will depend on the governing body of each of the professions establishing rules and procedures, some professions are expected to move quickly to do this.

Securities transfer legislation will be developed in 2008/09. Work is also proceeding on the implementation of the new *Securities Act*, which received assent in the spring of 2008. The coming-into-force date for the bill was October 26, 2008.

The Department is examining the viability of legislation in support of safer communities.

Protection Against Family Violence
Justice will continue to develop and strengthen partnerships with police and the community in order to improve the NWT's response to family violence. Training will continue to be provided to designates under the *Protection Against Family Violence Act (PAFVA)* as well as Child Protection Workers, student nurses and others who provide support to victims of family violence. Public education materials are being translated into Aboriginal languages.

Legal Registries
The two outdated databases in Corporate Registries are being replaced with one integrated database for territorial business corporations, extra-territorial corporations, societies and partnerships. Work is underway to identify system needs for the creation of an electronic database for searching land titles.

Measures Reporting

Rental Office: time between filing application and hearing
In 2007, approximately 80% of all applications to the Rental Office were heard within 60 days of filing. Thirty-six percent (36%) of all applications were heard within 30 days. According to the Rental Officer's 2006 Annual Report,

> *"For the fourth consecutive year, we continued to hear 80% or more of all applications within 60 days of filing and 33.6% of all applications were heard within 30 days." ... "It has been the experience of the Rental Office that where the filed application is not delayed by mail, the applicant serves the respondent quickly, the hearing notices are deliverable and the parties do not seek any postponements, an application will be heard within 4-6 weeks of filing. However any or all of the above factors can delay the process considerably, and occasionally do."*[23]

[23] *Annual Report on the Activities of the Rental Office January 1-December 31, 2006 and January1-December 31, 2007*, Submitted by Rental Officer.

Maintenance Enforcement Office: percentage of family support collected.
This is calculated as a percentage of the total amount of spousal and child support owed by debtors in the NWT during the fiscal year. In the fiscal year 2007/08, the Maintenance Enforcement Program collected 94% of on-going monthly support obligations. This represents a 2% increase in collections over the previous year and a 7% increase from 2005/06 to 2007/08. This collection rate compares very favourably with other jurisdictions (Yukon 86%, Nunavut 87%, BC 86%, Alberta 100%, Quebec 98%, Nova Scotia 82%). Once the amendments to the *Maintenance Orders Enforcement Act* come into force, it is expected that the collection rate for ongoing support obligations will improve, and some of the long-standing arrears may be addressed.

***Protection Against Family Violence Act*: number of emergency protection orders applied for and granted**
In 2007/08, 87 emergency protection orders were granted. This is slightly lower than previous years but still higher than expected. Based on other jurisdictions and demographics, we anticipated approximately 50 applications per year. A comprehensive evaluation is planned for 2010: this evaluation will provide insight into the usage rates as well as overall effectiveness of the legislation given the overall reported rates of family violence in the NWT.

STRATEGIC INITIATIVE: BUILDING OUR FUTURE

Action: Increase Safety and Security

Description

Enhance Policing Services

Justice will enhance resources to the RCMP for the application of the RCMP backup policy. Under this policy, RCMP members serving in the NWT will be provided the appropriate backup when investigating serious situations in all communities in the NWT. This backup will be provided in a manner that is safe for all involved, effective, and makes the best use of resources. In addition, work will be undertaken with the RCMP and communities to explore options for alternatives to regular RCMP members, including special constables.

Policing in Small Communities

Justice will work with the RCMP to increase police presence in the smaller NWT communities, specifically in the 10 communities without resident RCMP members: Dettah, Colville Lake, Tsiigehtchic, Nahanni Butte, Wekweètì, Enterprise, Kakisa, N'Dilo, Trout Lake and the Hay River Reserve. Potential options to achieve this include creating additional detachments, increasing relief unit capacity, increasing the number and length of patrols to the communities, or augmenting the existing enforcement personnel with RCMP special constables. Special constables will fill the role of community safety officers with expanded training and authorities. They will primarily act as a liaison between the RCMP and the community; however, their expanded authorities will include assisting with investigations, acting as backup and assisting in general police duties.

South Slave Drug Interception Team

Justice plans to work with the RCMP and the federal government to establish a South Slave Drug Interception Team in Hay River. This team will target issues associated with illegal drug trafficking, especially illegal drugs coming into the NWT from the provinces. This activity would support other efforts to address alcohol/drug addiction and associated crime in our communities by reducing the supply of drugs to the NWT.

As drug enforcement is a federal responsibility, funding for this team would be requested from the federal government. The federal government would also need to agree to add additional federal drug enforcement officers in the NWT. As part of this initiative, the GNWT would agree to pay for an additional police dog and handler to be located in the South Slave.

Reducing Drug and Alcohol Related Crime

Justice will work with other social-program departments to develop a role model program and awareness campaign that provides youth with the opportunity to learn from the experience of others who have overcome a past history of drug and alcohol abuse and/or criminal behaviour. This program will complement activities of the *Healthy Choices Framework* and will be closely tied to the communications work on the dangers of crystal methamphetamine and other hard drugs.

Activity to Date

Enhance Policing Services
In December of 2007, the RCMP implemented the back-up policy responding to court rulings on the *Canada Labour Code* concerning an employer's general duty to protect the health and safety of every person employed. The policy requires a planned response by more than one member in calls of violence (including domestic violence), calls involving weapons, threats to self or others or where a member of the RCMP thinks that the risk requires more than one officer to respond. Starting in 2008, the Department provided funding to cover overtime and standby pay.

Policing in Small Communities
In the summer of 2008, a detachment was re-established in Sachs Harbour. Work is proceeding to open detachments in Gamèti and Wrigley. Options are being explored to provide enhanced police services in the smaller remote communities without resident RCMP officers. The Department and RCMP are researching a special constable pilot project in the NWT.

South Slave Drug Interception Team
The Department has been working with the RCMP on a business case for obtaining a dog and handler to be located in Hay River, as well as funding from the federal government for two additional drug enforcement officers.

Reducing Drug and Alcohol Related Crime
The Department has been coordinating work on a *GNWT Crystal Methamphetamine and Associated Drugs Strategy*. This strategy will help to set the framework for developing the awareness campaign and role model program.

Planned Activities – 2009/10

Enhance Policing Services
The Department plans to continue support to the RCMP for overtime and standby pay in order to meet the national back-up policy.

Policing in Small Communities
The Department will identify resources required to implement options for increased police presence in the smaller communities. This may include adding regular members to detachments or establishing new detachments. The special constable project will be piloted in 2009/10: three people from communities who are interested in becoming RCMP officers will be selected to participate in training and begin work. Work to open detachments in Gamèti and Wrigley will continue.

South Slave Drug Interception Team
A multi-purpose dog and handler will be identified. Planning for the deployment of the dog and handler will be done concurrently with the deployment of two federal drug enforcement officers.

Reducing Drug and Alcohol Related Crime
The Department will work with HSS, MACA and ECE to develop a role model program and awareness campaign. The program will complement efforts under the *Healthy Choices Framework* and tie in the work being done on the *GNWT Crystal Methamphetamine and Associated Drugs Strategy*.

Planned Activities – 2010/11 and 2011/12

Enhance Policing Services

- Increase resources to enhance the NWT's eight two-member detachments to three-member detachments.

Policing in Small Communities

- Implement options for increased police presence.
- Monitor and evaluate the special constable pilot project to determine if it should be expanded into other communities.

South Slave Drug Interception Team

- Fully implement the drug interception team for the South Slave.

Reducing Drug and Alcohol Related Crime

- Implement the role model program: role models visiting communities to talk to youth.
- Evaluate the role model program and awareness campaign.

STRATEGIC INITIATIVE: BUILDING OUR FUTURE

Action: Implement Phase II of the Framework for Action on Family Violence

Description

Program for Men Who Abuse
Justice will research, develop and implement an abuser program for men to address behavior related to family violence. The program will include positive community reintegration and follow-up, and will be available on a voluntary and/or mandatory basis. The program is part of a broad government and community response to family violence.

Activity to Date

Justice has begun research into abuser programs. Research findings are being shared with the GNWT/NGO committee formed for this project. Early research and committee discussion points toward the need for a program model that would be based on the following principles:

- Cause-and-effect models are not an accurate explanation of violence;
- Violence is deliberate and people are accountable for their behaviour;
- Violence is always resisted;
- Both the violence and the resistance needs to be clearly documented and acknowledged in order to fully address the deliberate nature of violence;
- All people have the right to be treated with dignity and respect; and
- While experiencing power and control, abusers can also experience negative effects.

Further work is needed to develop the program, including standards and an accountability structure. Research is also required to determine how the program should be integrated into the justice system. This could include a mandatory component.

A proposal for funding from the National Crime Prevention Centre (NCPC) has been prepared. The NCPC has expressed early support for and interest in this project.

Planned Activities – 2009/10

The Department will work with the GNWT/NGO committee and the NCPC to research and develop an abuser program. A service provider will be identified to deliver the program. Work will begin to develop a program curriculum and delivery model, as well as public education considerations.

Planned Activities – 2010/11 and 2011/12

In 2010-12, the Department plans to do the following:

- Pilot the abuser program;
- Conduct an evaluation of the pilot program; and
- Consider proceeding with an NWT-wide implementation of the program (based on the outcomes of the pilot project and opportunities for funding).

STRATEGIC INITIATIVE: MANAGING THIS LAND

Action: Continue to Develop Governance

Description

Devolution
Justice will provide legal support to the Department of Executive on discussions concerning devolution. Legal counsel will participate in devolution and resource-revenue-sharing negotiations with Canada to facilitate the transfer of responsibility for land and resource management to the territorial government.

Justice Resources to Participate in Land, Resources and Self-Government Agreements
Justice will provide legal support to the Department of Aboriginal Affairs and Intergovernmental Relations (specifically the land claim and self-government negotiation teams). Legal counsel will attend negotiation sessions, advise on and draft various agreements, and provide oral and written legal advice to the Chief and Assistant negotiators as required.

Activity to Date

Devolution
Justice provides legal support to the Department of Executive on discussions concerning devolution.

Justice Resources to Participate in Land, Resources and Self-Government
The GNWT is engaged in land, resources and self-government negotiations with the federal government and Aboriginal parties. Justice legal counsel supports these negotiations.

Planned Activities – 2009/10

Devolution
Justice legal counsel will continue to provide legal advice and support to devolution discussions.

Justice Resources to Participate in Land, Resources and Self-Government
Justice legal counsel will continue to provide legal advice and support to 15 sets of negotiations.

Planned Activities – 2010/11 and 2011/12

Devolution

- To provide legal counsel to assist with devolution.

Justice Resources to Participate in Land, Resources and Self-Government

- To provide legal advice and support to these negotiations.

STRATEGIC INITIATIVE: MAXIMIZING OPPORTUNITIES

Action: Maximize Benefits from Resource Development

Description

MGP Strategic Investment
Mackenzie Gas Project (MGP) strategic investments will help to position communities, businesses, and residents in the NWT to take advantage of opportunities associated with the MGP as well as to address any potential negative impacts from the project.

Justice will mitigate the impacts of large-scale resource development on the NWT justice system by planning for resource needs and fulfilling commitments made during the environmental regulatory processes.

Activity to Date

Justice activities that have been completed include the following:

- Negotiated and signed a *Public Safety and Security Memorandum of Understanding* (MOU) with the MGP proponents as part of the Socio-Economic Agreement;
- Consultations were held during regional socio-economic impact workshops;
- Community consultations were held with the RCMP about potential pipeline impacts;
- Funding was secured for Justice and RCMP planning positions and activities; and
- Justice and RCMP participated in the Joint Review Panel hearings.

Planned Activities – 2009/10

The following Justice activities are planned:

- Implementing the MGP Safety and Security MOU;
- Assisting with RCMP community consultations and MGP planning;
- Developing protocols with the RCMP and proponents relating to incident responses, access, and reporting procedures;
- Coordinating and planning activities related to the MGP investment plan for the Dehcho Region and for other plans under the MGP Impact Fund;
- Requesting supplemental Justice resources as needed through the GNWT planning process; and
- Responding to relevant areas of the MGP Joint Review Panel report when released.

Planned Activities – 2010/11 and 2011/12

- To work closely with the RCMP, MGP proponents, and the communities on the development and implementation of MGP public safety and security measures.
- To ensure conditions of the MOU are met.
- To ensure conditions of the Socio-Economic Agreement relating to public safety and security are met.

INFRASTRUCTURE INVESTMENTS

Activity to Date

Office Space Retrofit
Funding was required to complete renovations in Inuvik for the probation services and courts spaces. Project completed.

Coroner's Office Space Renovation (Carry-over)
The Coroner's Office space had renovations and upgrades. Project completed.

Courts Information System (Carry-over)
The Courts Information System was upgraded. FACT Information System upgrades work is ongoing.

Yellowknife Courthouse Renovations (Carry-over)
Leased space in the Yellowknife Courthouse was upgraded. Nearing completion.

Land Titles Office – Title Search Development (Carry-over)
The Department of Justice is currently in year 2 of this an existing multi-year project to develop a Land Titles Search database. The Department of Justice identified the need to replace the current manual land titles search system with an automated system. The current system is labour-intensive and the public are served directly "across the counter".

Corporate Registries Databases – Replacement (Carry-over)
This is another existing multi-year project to replace an existing outdated database for corporate registries. The Department of Justice has identified the need to replace out-dated applications within its Corporate Registries. The current application software for extra-territorial corporations, societies and partnerships was developed more than 10 years ago as flat file databases.

Arctic Tern Young Offender Facility – Foundation Issues
Since the Inuvik Young Offender facility was built, there have been foundation issues. PWS is conducting a geotechnical and hydro-geotechnical investigation of the building's foundation system and the final report is anticipated in December 2008.

Norman Wells Probation – Office Space Renovations
Tenant improvements were made for the office space in Norman Wells. PWS is waiting for confirmation from the contractor to do this work.

River Ridge Correctional Centre – Secure Cells
A capital project was established to build secure cells at River Ridge. This was done in order to permit high-risk female offenders to be held in custody and to reduce the operating budget of both Fort Smith facilities by $530,000. PWS anticipates a final design, construction contract and the majority of indoor work to be completed prior to year-end. A carry-over is anticipated to complete the outdoor work in 2009/10.

North Slave Correctional Centre – Aboriginal Healing and Spiritual Program Area
The facility currently does not have a developed outdoor program area. Work has begun but it is anticipated that the construction will be completed in 2008/09.

North Slave Correctional Centre – All Erosion/Drainage Modification
The area surrounding the facility needs to be properly developed to protect the facility foundation from deterioration as a result of improper ground water drainage and soil erosion due to spring runoff and spring/summer precipitation. Design is anticipated to be completed this fiscal year.

North Slave Correctional Centre – Erosion Wall Project (Carry-over)
This project addresses a specific area of the erosion/drainage project regarding a concrete slab at the facility where water has eroded underneath the slab. This has become part of the overall drainage project for the facility. Construction is complete.

NSCF - Upgrade-Building Security and Camera System (Carry-over)
The security system upgrade will be completed. This project got underway late in the 2007/08 fiscal year. The Department was unable to reach an agreement with the supplier of the original security system and therefore had to explore other options. This project is urgent because the existing security system has not been functioning at the appropriate level. This is a safety issue as it impacts on the safety of the staff of the facility and the public

Planned Activities – 2009/10

South Mackenzie Correctional Centre – Fire Suppression
The facility's fire-suppression system is original to the facility and is no longer compliant with current fire-suppression code requirements.

South Mackenzie Correctional Centre – Update Secure Cells
The facility's secure cells are original to the facility and are no longer appropriate to safely house inmates.

Arctic Tern Young Offender Facility – Foundation Issues
Since the Inuvik Young Offender facility was built, there have been foundation issues. In 2009/10 work will begin to repair the foundation and building as described in the PWS report completed in 2008.

North Slave Young Offender and Adult Correctional Facilities – Flooring Replacement
The youth and adult facilities opened February 21, 2003, and April 1, 2004, respectively. Large portions of the carpeted flooring need to be replaced.

River Ridge Correctional Centre – Secure Stainless Bathroom Fixtures
The facility has 14 secure cells to house inmates. Each secure cell requires a stainless-steel secure combination sink/water-closet fixture for inmate use while in custody.

Planned Activities – 2010/11 and 2011/12

No activities approved to date for these years.

LEGISLATIVE INITIATIVES

Activity to Date

Bill 5 – An Act to Amend the *Maintenance Orders Enforcement Act*
This bill provides additional enforcement measures that the Maintenance Enforcement Administrator may take to enforce a maintenance order that is filed with the Maintenance Enforcement Office. The bill received assent on June 19, 2008.

Bill 6 – An Act to Amend the *Residential Tenancies Act*
This bill includes various administrative amendments to modernize the Act, ensure that disputes are resolved more quickly and provide effective remedies to both landlords and tenants. The bill received assent on June 19, 2008.

Bill 7 – *Securities Act*
A new Act based on a model developed jointly by NWT, PEI, Nunavut and Yukon. The model includes a wide range of changes to support a coordinated national approach to securities regulation. The coming-into-force date for the bill is October 26, 2008.

Bill 13 – An Act to Amend the *Legal Profession Act*
This bill includes a number of amendments to update the discipline process in the *Legal Profession Act*. The bill received assent on October 21, 2008..

In 2008/09, the Department is also proposing the following legislation:

- *International Interests in Mobile Aircraft Equipment Act;*
- *Securities Transfer Act;*
- *Settlement of International Investment Disputes Act;* and
- *Professional Corporations Act.*

Planned Activities – 2009/10

In 2009/10, the Department will implement amendments to the *Maintenance Orders Enforcement Act* and the *Residential Tenancies Act*. The Department will also work on implementing other legislation that received assent in 2008/09, and continue to explore the viability of legislation in support of community safety.

The main legislative initiatives proposed for 2009/10 include:

- Amendments to the existing *Legal Services Act* or develop a new Act to make the operation more cost efficient; and Amendments to the *Summary Conviction Procedures Act* to improve fine collection and to eliminate uncontested trials for summary-offence tickets.

Planned Activities – 2010/11 and 2011/12

During 2010/11 and 2011/12, the Department will continue to address legislation identified in the four-year business plan and implement legislation that has received assent.

HUMAN RESOURCE OVERVIEW

Overall Human Resource Statistics

All Employees

	2008	%	2007	%	2006	%
Total	536	100	541	100	529	100
Indigenous Employees	247	46.1	252	46.6	240	45.4
Aboriginal	167	31.2	180	33.3	167	31.6
Non-Aboriginal	80	14.9	72	13.3	73	13.8
Non-Indigenous Employees	289	53.9	289	53.4	289	54.6

Note: Information as of March 31 each year

Senior Management Employees

	2008	%	2007	%	2006	%
Total	11	100	11	100	11	100
Indigenous Employees	2	18.2	2	18.2	2	18.2
Aboriginal	1	9.1	1	9.1	1	9.1
Non-Aboriginal	1	9.1	1	9.1	1	9.1
Non-Indigenous Employees	9	81.8	9	81.8	9	81.8
Male	5	45.5	5	45.5	6	54.5
Female	6	54.5	6	54.5	5	45.5

Note: Information as of March 31 each year

Non-Traditional Occupations

	2008	%	2007	%	2006	%
Total	18	100	19	100	8	100
Female	1	5.6	2	10.5	1	12.5
Male	17	94.4	17	89.5	7	87.5

Note: Information as of March 31 each year

Employees with Disabilities

	2008	%	2007	%	2006	%
Total	536	100	541	100	529	100
Employees with disabilities	3	.06	0	0	0	0
Other	533	99.4	541	100	529	100

Note: Information as of March 31 each year

Position Reconciliation

This information differs from the employee information on the preceding page. Employee information reflects actual employees on March 31 of each year, and the information presented below reflects position expenditures approved through the budget process for each fiscal year.

Active Positions

Summary:	2008-09[1] Main Estimates	Change	2009-10 Business Plan
Total	386	27	413
Indeterminate full-time	385	25	410
Indeterminate part-time	1	2	3
Seasonal	0	0	

Adjustments approved in:

2008/09 Supplementary Appropriation:

Position	Community	Region	Add/Deleted	Explanation
2 Sheriff Officer	Yellowknife	North Slave	Added	Forced Growth
2 Court Officer	Yellowknife	North Slave	Added	Forced Growth
2 Court Officer	Hay River	Fort Smith	Added	Forced Growth
2 Court Officer	Inuvik	Beaufort/Delta	Added	Forced Growth
1 Legal Counsel, Devolution	Yellowknife	Headquarters	Added	Forced Growth
1 Courtworker	Yellowknife	North Slave	Added	2008/09 Main Estimate
1 Courtworker	Fort Smith	Fort Smith	Added	2008/09 Main Estimate
1 Courtworker	Ft McPherson	Beaufort/Delta	Added	2008/09 Main Estimate
1 Courtworker	Tuktoyaktuk	Beaufort Delta	Added	2008/09 Main Estimate
14 Full-time Arctic Tern Positions	Inuvik	Beaufort Delta	Added	2008/09 Main Estimate
1 Part-time Arctic Tern Position	Inuvik	Beaufort Delta	Added	2008/09 Main Estimate

Total Approved 28

[1] The above-noted positions were deleted from the 2008-09 Main Estimates through motions carried by the Legislative Assembly and were subsequently reinstated in the 2008-09 supplementary appropriation process.

Business Planning:

Position	Community	Region	Add/Deleted	Explanation
2 Legal Counsel, Self Gov't	Yellowknife	Headquarters	Deleted	Sun Set
2 Legal Counsel, Self Gov't	Yellowknife	Headquarters	Added	Strategic Initiative
1 Access to Inform. Coord.(part-time)	Yellowknife	Headquarters	Added	Forced Growth
1 Resource Develop. Advisor	Yellowknife	Headquarters	Deleted	Sunset
1 Resource Develop. Advisor	Yellowknife	Headquarters	Added	Strategic Initiative

Total Approved: 1

Target Reduction:

Position	Community	Region	Add/Deleted	Explanation
1 Library Tech	Yellowknife	North Slave	Deleted	Reduction Exercise
1 Legal Registries Clerk	Yellowknife	North Slave	Deleted	Reduction Exercise

Total Approved: (2)

Other Positions
Summary:

	2008-09	Change	2009-10 Business Plan
Total	6	0	6
Indeterminate full-time	6	0	6
Indeterminate part-time	0	0	0
Seasonal	6	0	6

Other Human Resource Information

One of the stated priorities of the Legislative Assembly is to "improve human resource management within the GNWT through training, career planning, and encouraging innovation by employees." To address this priority, the Department of Human Resources is leading the development of a Corporate Human Resource Strategy for the Northwest Territories Public Service. The completion of this overall strategy will provide a framework for the development of departmental human resource plans and initiatives, including the development of succession plans and affirmative action plans. This work will be undertaken during the 2009/10 fiscal year and will ensure a consistent and coordinated approach across government, providing equitable opportunities for all staff.

Human Resource Activities (As of Sept 30, 2008)

Summer Students	#	%
Total	**18**	**100**
Indigenous Employees	17	94
Aboriginal	4	22
Non-Aboriginal	13	72
Non-Indigenous Employees	1	6
Interns		
Total	**2**	**100**
Indigenous Employees	2	100
Aboriginal	0	0
Non-Aboriginal	2	100
Non-Indigenous Employees	0	0
Transfer Assignments		
Total	**24**	**100**
Indigenous Employees	15	63
Aboriginal	11	46
Non-Aboriginal	4	17
Non-Indigenous Employees	9	37

Activities Associated with Staff Training & Development

In addition to staff training and development to meet individual needs, the Department provides group training for targeted program areas and initiatives, including:

- Young offenders facility staff receive training on the new HALT (Healing and Learning Together) program;
- All Corrections staff (working in facilities) receive "Corrections Entry Level Training". Supervisors and above also receive leadership training;
- Probation staff receive Probation Officer Entry Training;
- Legal Registries staff receive training on new systems, like the Corporate Registries Database; and
- Administrative staff in all divisions receive training in records management to reflect changes in roles and responsibilities for records management.

The Department provides regular training to both GNWT and non-GNWT employees either to maintain or build knowledge, skills and capacity in a particular program or service delivery area. This includes:

- courtworkers – training to expand their experience with courts and their administrative knowledge;
- community justice committees – training on roles and responsibilities of committees and their members;
- victims services volunteers – training on services and supports to victims of crime;
- designates under the *Protection Against Family Violence Act* – training non-government agencies and staff to provide information about the legislation, the roles/responsibilities of designates, and working relationships between government and non-government agencies in the issuing of protection orders; and
- access/privacy coordinators under the *Access to Information and Protection of Privacy Act* – training and orientation of new staff of GNWT public bodies as well as ongoing training and development to build knowledge and capacity.

In addition to these training activities offered by the Department, training and staff development occurs in other, independent parts of the Justice system, including:

- Justices of the peace (JPs) receive training by the judiciary to build knowledge and capacity;
- RCMP officers receive training and orientation; and
- community coroners receive training by the Chief Coroner to build knowledge and capacity.

INFORMATION SYSTEMS AND MANAGEMENT OVERVIEW

Overview

Approach to Information Management / Information Systems

Justice is responsible for the administration of courts, policing[24], corrections and community justice as well as the delivery of a number of other programs and services to the public such as victim services, legal aid, the rental office and legal registries. The diversity of these responsibilities – the need for strict security, the local and national requirements for statistical information, as well as the legal framework Justice operates within – governs the Department's approach to information management and information systems (IM/IS). Advances in technology and increased access to (and use of) the Internet presents opportunities, creates challenges and raises expectations by clients and the public.

The Department is completing an information management plan in 2008/09.

Security Requirements

A) Management of Information – Information must meet strict security requirements (both electronic and physical) due to legislative and privacy concerns. This is especially true for the courts and corrections areas. As an independent branch of government, Courts have records that do not fall under the purview of the Executive branch of government (i.e., the Department), and, for this reason, must be kept and managed separately. Additionally, the sensitive nature of court documents requires a high degree of security to maintain the integrity of the court record and protect information that cannot be made public (e.g., youth records). For these reasons, the Justice informatics team maintains and manages these records.

B) Management of Facilities – Courts and corrections program areas also require systems and technology to protect the physical security of the public, offenders and accused as well as staff. The courthouse in Yellowknife and correctional facilities throughout the NWT use complex internal security tracking and surveillance systems. These systems are independently managed and maintained by the Justice informatics team.

Statistical Requirements

The Department generates and manages statistical information on a wide variety of program areas and topics, including legal aid, maintenance enforcement, corrections, courts, community justice and victim services. The Department contributes electronic and print data to national institutions, including Statistics Canada and the Canadian Centre for Justice Statistics. This information, along with statistical information from other jurisdictions, is used to report on the justice system in Canada and is very important to the Department for planning and evaluation purposes. Statistical reports also provide NWT residents and stakeholders with important information on justice issues and programs.

The Department must remain an active contributor to national datasets on justice services and issues to benefit from the analytical work conducted at a national level. This requires a sustained focus on data quality and reporting requirements. The Department also must ensure that data collection activities and information management systems meet its research, planning and evaluation needs.

[24] The RCMP manages information collected by police. They provide information directly to Statistics Canada. This information is used for many reports including those on crime stats and policing resources.

Program Delivery Requirements

A) Administration – Justice is responsible for providing operational systems to support the administration of a variety of programs. Systems to support these programs must be effective and accessible to staff, and staff need proper training to collect and enter the information. These operational systems must provide statistical information that can be easily accessed to meet local or national statistical requirements.

B) Service Delivery – Services like legal aid, courts services or legal registries require operational systems that support client needs. Clients may be required to pay fines, make maintenance payments (or find out how much is owed), or search land titles. Improvements in technology and increased access to the internet present the Department with opportunities and challenges for meeting clients' needs.

Major Information Systems

A) ***Security***

Courthouse Security \ Surveillance System	Court Services
Corrections Security Surveillance System	Corrections
Building Security Control System	Corrections (North Slave Correctional Centre)

B) ***Program Administration***

Jury Management System	Court Services
Court Information Tracking System	Court Services
Justice Information System	Court Services
Inmate Trust Accounting System	Corrections
Correction Offender Management System	Corrections
Portal for Electronic Data, SharePoint Server	Corrections
Document Registry Tracker	Legal Registries
Legal Aid System	Legal Aid
Lawyer Time Keeping System	Legal Division
Appointments and Revocations Database	Legal Division
Coroner Results Database	Coroner's Office
Coroner Statistical Tracking Database	Coroner's Office

C) ***Services to the Public***

Active Receipt System	Legal Registries
Document Imaging System	Legal Registries
Corporate Registries (online)	Legal Registries
NWT Companies Registry	Legal Registries
Child Support Manager	Maintenance Enforcement

Planned Activities – 2009-10

Program Administration

Document Imaging Review – Justice will review the feasibility of introducing an electronic document imaging system. With this system, staff would no longer have to enter information from the document. This would have obvious impacts on staff workload and could also reduce errors that occur in the data entry process.

Mail Tracking System – The Department will investigate a new "mail tracking system" that connects directly to a document imaging server. The purpose of this new system is to reduce data entry and to

improve the ability to manage the flow of correspondence. The Department is currently using an outdated mail tracking system that does not have the capability to manage electronic requests such as email or scanned documents.

Data Analysis / Information Management Review – Justice is planning to conduct a department-wide inventory of information it currently collects. At the same time, the Department will assess information needs for national reporting requirements, program and planning needs and other information requests. This activity supports efforts to improve our understanding of justice system trends and pressures. The work will benefit planning and evaluation activities, including the corrections review of offender programming and the evaluation of the *Protection Against Family Violence Act*.

Services to the Public

Online Payment / E-Government Initiatives – The Department will research secure alternatives for electronic payment and information sharing (in compliance with the GNWT's "Web Enhancement" and "E-government" initiatives). Fine payments, service fees and information requests are increasing within the Department's client-oriented divisions, including Courts and Legal Registries. In order to manage this increase, the Department must find an alternative solution to the existing "over-the-counter" approach.

In 2009/10, Justice will develop a system to conduct and pay for corporate registry searches via the Internet directly from a client's home or place of business. Legal Registries will also replace the current manual title search function in Land Titles with an electronic database.

These activities support key activities of Legal Registries and Courts: to improve fine collection efforts and to move towards electronic access for searching documents and for filing applications. Fine-collection improvements will have implications for other public service programs like maintenance enforcement.

Video Conferencing – Justice plans to examine more extensive use of video conferencing. With the growing cost of travel, the Department must seek an alternate means of inter-regional communication. Improvements in technology are now making closed-circuit video conferencing an attractive alternative. Travel costs are a large part of the Courts and Corrections budgets. Video conferencing also has applications for policing and other programs that provide services to the public, like the rental office and legal aid. Our goal is to use this technology where applicable to maintain services and reduce costs.

Planned Activities – 2010/11 and 2011/12

Document Imaging Review – The Department will develop a plan to implement document imaging technology. This plan will deal with the implications for document imaging throughout the Justice system, including training, and will identify appropriate systems requirements.

Mail Tracking System – The Department will implement a mail tracking system.

Online Payment / E-Government Initiative – The Department is planning to implement new systems for online searches and payment. The Department will also complete the assessment of e-filing and make recommendations on implementation.

Video Conferencing – Justice will implement a plan for the enhanced use of video conferencing.